

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-0185V

TERESA PATTERSON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 25, 2023

Emily Beth Ashe, Anapol Weiss, Philadelphia, PA, for Petitioner.

Jamica Marie Littles, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On January 7, 2021, Teresa Patterson filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that her receipt of a Prevnar 13 vaccination on June 26, 2019, caused her to develop a right shoulder injury related to vaccine administration (“SIRVA”) and polyarthralgia. Petition at 1-2, 13. Petitioner further alleges that she suffered the residual effects of her injury for more than six months. Petition at 13. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 25, 2023, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case for her right SIRVA only, and not her alleged polyarthralgia injury. Respondent’s Rule 4(c) Report at 1. Specifically,

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Respondent states that “[m]edical personnel at DICP have reviewed the facts of this case and concluded that petitioner’s claim meets the Table criteria for right SIRVA. Specifically, petitioner had no history of right shoulder pain, inflammation, or dysfunction prior to her June 26, 2019 Prevnar 13 vaccination that would explain the symptoms and examination findings occurring after her vaccination. Petitioner also more likely than not suffered the onset of her right shoulder pain within forty-eight hours of vaccine administration; and her shoulder pain and reduced range of motion were limited to the shoulder in which the vaccine was administered.” *Id.* at 10. Respondent further agrees that “There is no other condition or abnormality present that would explain petitioner’s right shoulder pain and reduced range of motion. . . . Therefore, petitioner is entitled to a presumption of vaccine causation.” *Id.*

Lastly, Respondent states:

The existing records also show that this case was timely filed, petitioner received her vaccination in the United States, and petitioner satisfies the statutory severity requirement by suffering the residual effects or complications of her right SIRVA for more than six months after vaccine administration. See 42 U.S.C. §§ 300aa-11(c)(1)(D)(i). Thus, in light of the information contained in petitioner’s medical records, respondent concedes that entitlement to compensation is appropriate under the terms of the Vaccine Act. The scope of damages to be awarded is limited to petitioner’s right SIRVA and its resulting sequelae only.

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master